

# Exhibit 4-1

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL**

**MINUTE ORDER**

DATE: 02/22/2011

TIME: 09:00:00 AM

DEPT: C-61

JUDICIAL OFFICER PRESIDING: John S. Meyer

CLERK: Gloria Cervantes

REPORTER/ERM: Gaylene Graves CSR# 10625

BAILIFF/COURT ATTENDANT: John Pedroza

CASE NO: **37-2008-00098508-CU-BT-CTL** CASE INIT.DATE: 12/19/2008

CASE TITLE: **Sixuvus, LTD vs. Willis**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Business Tort

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**EVENT TYPE:** Civil Jury Trial

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**APPEARANCES**

Jeffrey Briggs, counsel, present for Cross - Defendant, Plaintiff(s) telephonically.

Robert Besser, counsel, present for Cross - Defendant(s).

Larry Zerner, counsel, present for Defendant(s) telephonically.

Victor Willis, Defendant is present.

Karen Willis is also present.

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**STATUS CONFERENCE RE SETTLEMENT**

At 9:05 a.m. Court convenes with counsel and parties, as previously noted, present. Mr. Willis informs the Court that he has relieved his attorney Larry Zerner.

Mr. Besser recites the terms and conditions of the settlement for the record. The parties disagree on the terms and conditions.

At 9:20 a.m. Court is in recess to allow the parties time to discuss the settlement.

At 9:37 a.m. Court reconvenes with counsel and parties, as previously noted with the exception of Mr. Zerner, present. Mr. Besser informs the Court that the parties have agreed on a settlement. The terms and conditions are recited for the record, as fully set forth in the court reporter's notes, which include but are not limited to the following:

---all parties waive costs and fees

---the Court retains jurisdiction to enforce the settlement

---this matter is dismissed with prejudice

The Court orders the entire action dismissed with prejudice.

At 9:41 a.m. Court is adjourned in this matter.

=gec=

# Exhibit 4-2

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO, CENTRAL DIVISION

SIXUVUS, LTD., etc.,  
Plaintiff,  
vs.  
VICTOR WILLIS, etc.,  
Defendant.

NO. 37-2008-00098508-CU-BT-CTL  
TRANSCRIPT OF SETTLEMENT ON  
RECORD

Date: February 22, 2011

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VICTOR WILLIS, etc.,  
Cross-Complainant,  
vs.  
Sixuvus, Ltd., etc., et al.,  
Cross and Third-  
Party Defendants

CERTIFICATE OF REPORTER

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

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)

I, Gaylene Graves, CSR No. 10625, official Court Reporter in the Superior Court of the State of California, in and for the County of San Diego, hereby certify that I made a shorthand record of the proceedings had in the within case and that the foregoing transcript is a full, true, and correct transcription of the proceedings in this case.

Dated this 8th day of March, 2011.



Gaylene Graves, CSR 10625, RPR, CRR  
Official Court Reporter  
San Diego Superior Court

1 San Diego, California; Tuesday, February 22, 2011; 9:00 A.M.

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3 *(The following telephonic hearing was reported*  
4 *pursuant to CRC 3.670. The record will reflect proceedings*  
5 *that were telephonically transmitted. Failures in*  
6 *transmission or lack of speaker identification will be*  
7 *noted.)*

8 THE COURT: Good morning. All right, this is  
9 Sixuvus. Time to put a settlement on the record. Could I  
10 have appearances, please.

11 MR. BESSER: Good morning, Your Honor, Robert  
12 Besser for cross-defendants Hasbro, WMS Gaming and Can't  
13 Stop.

14 MR. BRIGGS: This is Jeff Briggs on the  
15 telephone on behalf of plaintiff and cross-defendant  
16 Sixuvus.

17 THE COURT: And Mr. Willis is present.  
18 Mr. Willis, your attorney is or is not?

19 MR. WILLIS: Your Honor, Larry Zerner I had to  
20 terminate last night because we weren't able to come to an  
21 agreement on what the settlement was supposed to be, so I  
22 plan to get another lawyer if the case goes on, but I also  
23 spoke to my New York lawyer. She drafted up the  
24 settlement for whatever our agreement is supposed to be,  
25 what I understood it was supposed to be last week, when  
26 you called me.

27 THE COURT: Is Mr. Zerner on the phone?

28 MR. ZERNER: Yes, Your Honor, I'm on the phone.

THE COURT: Do you know what's going on?

MR. ZERNER: Pardon?

1 THE COURT: Well, I don't know. I don't know.  
2 Either the case is -- either we're going to put a  
3 settlement on the record or we're going to start trial.

4 MR. BESSER: Can he hang up and then call back?

5 THE COURT: Whatever you want to do.

6 MR. BESSER: I'm going to call Mr. Briggs now.

7 THE COURT: Mr. Briggs, he's going to call you  
8 now.

9 MR. BRIGGS: I will hang up and I'll call the  
10 Court back.

11 THE COURT: When?

12 MR. BRIGGS: Do I need Mr. Zerner?

13 THE COURT: Mr. Zerner is no longer aboard.

14 MR. BESSER: He's been fired.

15 All right, Jeff, I'll call you on your cell  
16 in just a minute.

17 MR. BRIGGS: All right.

18 (A recess was taken.)

19 (The following proceedings were held on the  
20 record:)

21 THE COURT: All right, we're back on the record.

22 MR. BESSER: Yes, Robert Besser for  
23 cross-defendants.

24 MR. BRIGGS: John Briggs for plaintiff and  
25 cross-defendant Sixuvus, Ltd.

26 MR. BESSER: We've reached an agreement that I  
27 can recite on the record.

28 THE COURT: Great.



1           MR. BESSER: This is, what I'm reciting right  
2           now is as between Sixuvus, the plaintiff, and Mr. Willis.

3           THE COURT: All right.

4           MR. BESSER: They agree to a full mutual general  
5           release of everything from the beginning of time to this  
6           date, this moment, known or unknown, pursuant to Section  
7           1542. As a part of their settlement agreement they agree  
8           that Mr. Willis will abide by the terms of the preliminary  
9           injunction that was previously entered by this Court.  
10          They are asking the Court to retain jurisdiction of  
11          enforcement of this settlement agreement. In the event  
12          that Mr. Willis does not abide by the terms of that  
13          preliminary injunction, then Sixuvus has the right to come  
14          and apply to the court for a permanent junction, which  
15          would be an order of this Court enforcing that portion of  
16          the settlement agreement.

17                 If the Court will agree to that, then we're  
18          over the hurdle.

19          THE COURT: well, why not just make it a  
20          permanent injunction.

21          MR. BESSER: Mr. Willis would not agree to that.  
22          That's what we thought we had agreed to on Friday, but all  
23          he will agree to, as I understand it, he's of course here  
24          and can tell me if I'm wrong, but all he will agree to he  
25          will abide by the terms of the preliminary injunction as  
26          part of a settlement agreement. And that if the Court  
27          retains jurisdiction that's acceptable to us and if it  
28          violates the terms --

1 THE COURT: All right.

2 MR. BESSER: -- that's acceptable to Sixuvus I  
3 should say. And then they each waive costs and attorney's  
4 fees, and the entire case is to be dismissed with  
5 prejudice.

6 THE COURT: Who's "they?"

7 MR. BESSER: Sixuvus and the Willis' as between  
8 them. That's their settlement agreement.

9 MR. BRIGGS: That includes a dismissal of the  
10 cross-complaint as against Sixuvus.

11 MR. BESSER: Right.

12 And I have been handed, Your Honor, a  
13 document that when the proper box is checked off will  
14 dismiss the entire cross-complaint with prejudice as  
15 against my clients, and as against Sixuvus, and it's been  
16 represented to me by the Willis' that we will immediately  
17 proceed to the filing window and file it.

18 THE COURT: You'll immediately proceed to what?

19 MR. BESSER: The filing window, wherever we file  
20 this document. In other words, the case is dismissed.  
21 You can order it or we can, I think, do we need to  
22 formally file a form?

23 THE COURT: I don't think so.

24 MR. BESSER: All right, then you order the case  
25 dismissed with prejudice, all claims by all parties.

26 THE COURT: Right.

27 MR. BESSER: All right, that's it.

28 THE COURT: Mr. Willis, you agree with that?

1 MR. WILLIS: Yes, sir.

2 THE CLERK: I'm sorry, it's dismissed with  
3 prejudice at this point?

4 MR. BESSER: Yes.

5 THE CLERK: The Court does not retain  
6 jurisdiction.

7 MR. BESSER: Just to enforce the settlement  
8 agreement between Mr. Willis and Sixuvus.

9 THE COURT: Okay. Anything else, Mr. Briggs,  
10 anything else?

11 MR. BRIGGS: No, Your Honor.

12 THE COURT: Anything else?

13 MR. BESSER: No.

14 THE COURT: Mr. Willis, anything else?

15 MR. WILLIS: No.

16 MR. BRIGGS: I would like to thank the Court and  
17 I would like to order a transcript of the last, just when  
18 we went on the record, just the part from when we just  
19 went on the record.

20 MR. BESSER: I'll take care of that, Mr. Briggs.

21 THE COURT: Done.

22 MR. BESSER: Done.

23 THE COURT: Thank you.

24 MR. WILLIS: Thank you.

25 THE COURT: All right.

26 (Proceedings concluded.)

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